

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SHELLY NEWTON,

No. C 05-01204 SBA

Plaintiff,

**ORDER TO SHOW CAUSE RE
DISMISSAL**

v.

P. ARPAIA, et al.,

Defendants.

On October 14, 2005, this Court granted in part and denied in part defendants P. Arpaia, B. Marker, and C. Costigan's ("Defendants") motion to dismiss Plaintiff's First Amended Complaint. The parties were ordered to appear for a telephonic Case Management Conference on November 16, 2005.

On October 24, 2005, Defendants filed their Answer to Plaintiff's First Amended Complaint. Also on that date, due to the Court's unavailability, the November 16, 2005 Case Management Conference was continued to December 15, 2005.

On December 7, 2005, the December 15, 2005 Case Management Conference was continued to January 12, 2006 at 3:30 p.m.

On January 12, 2006, Plaintiff failed to initiate the telephone conference call. The parties also failed to file a Case Management Conference Statement ten days prior to the Case Management Conference, as directed by the Court.

Accordingly,

IT IS HEREBY ORDERED THAT:

(1) Plaintiff shall appear in Courtroom 3 of the United States Courthouse, 1301 Clay Street, Oakland, California, on **February 23, 2006, at 4:00 p.m.** to show cause why this case should not be dismissed and/or sanctions should not be imposed for lack of prosecution.

(2) At least ten (10) days prior to the date specified for the court appearance, Plaintiff or Plaintiff's counsel of record must file a Certificate of Counsel with the Clerk of the Court to explain why the case should or should not be dismissed and why sanctions should or should not be imposed for lack of prosecution. The Certificate shall set forth the nature of the cause, its present status, the reason it has not been brought to trial or otherwise terminated, any basis for opposition to dismissal by any party, and its expected course if not dismissed.

(3) Please take notice that this Order requires both the specified court appearance and the filing of the Certificate of Counsel. FAILURE TO FULLY COMPLY WITH THIS ORDER WILL BE DEEMED SUFFICIENT GROUNDS TO DISMISS THE ACTION.

IT IS SO ORDERED.

Dated: 1/17/06


SAUNDRA BROWN ARMSTRONG
United States District Judge